

Office of Professional Accountability (OPA) Commendations & Complaints Report October 2006

Commendations:

Commendations Received in October: 27

Commendations Received to Date: 366

Barnes, Timothy O'Neil, John Wong, Mark	Three officers for the recovery of a stolen vehicle received a letter of appreciation. They responded quickly and handled the situation in a professional and respectful manner.
Benson, Robert Harwood, Julie Henderson, M. Milstead, Bret	Four officers displayed remarkable restraint and professionalism during a barrage of vicious verbal and physical abuse when responding to assist SFD on an aid call. Their sensitivity towards this obviously disturbed patient was commendable. This difficult situation was improved by the performance of these officers.
Dixon, Roger Havenar, Tim Polhemus, Ian	One sergeant and two officers were commended for their guidance and leadership on ceremonial and honor guard related matters for a fellow officer's memorial service. Throughout the entire project, they were willing to help without hesitation.
Emerick, Jon Higa, Randall Lisle, Brian Stewart, Steven	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Officers were commended for their quick response.
Fox, P J	Det. PJ Fox received a letter of appreciation for his actions in a hit and run accident. While providing traffic control at a near-by crosswalk, he witnessed a hit and run accident and was able to obtain the license plate and followed the vehicle as it came by a second time. He notified the local police department of the location of the vehicle, which in turn led to the arrest of the suspect. He was commended for his quick acting professionalism that took time to help others by paying attention, pursuing the vehicle.
Higa, Randall	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Officer Higa was commended for his quick response.
Kim, Steven Nguyen, Trung	A letter commending the actions of two Seattle Police Officers was received for the compassionate and professional manner in which they handled a theft by a family member.
Mazzuca, Kenneth	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. When the vehicle was located behind a residence, three suspects were arrested for unrelated warrants as well as being in the process of stripping the vehicle. Officer Mazzuca was commended for his quick response.
Miller, Rebecca Schubeck, Eugene	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Officers Rebecca Miller and Eugene Schubeck were commended for their quick response. There was no apparent damage to the car.
Morrison, Philip	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Officer Morrison was commended for his quick response. Due to this quick response, the vehicle was returned to the owner with no damage done.
Ogard, David Warner, Eileen	Detective Ogard and Officer Warner were commended for their exceptional work on a missing juvenile case.
Oshikawa-Clay, K.	Officer Oshikawa-Clay was commended for his automobile accident investigation. His actions were exemplary and most helpful.
Wong, Mark	A reported stolen vehicle equipped with a silent alarm was tracked and recovered

	within minutes of activation. Officer Wong was commended for his quick response. The car was released to the registered owner who was very happy with SPDs' response and the courtesy extended by Officer Wong.
Patchen, James	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Officer Patchen was commended for his quick response.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

Oct 2006 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

CONDUCT UNBECOMING AN EMPLOYEE

Synopsis	Action Taken
It is alleged that the named employee was rude to the subject when he called 911 to report a traffic accident and disconnected the call when the subject was unable to answer specific questions.	The evidence supports the allegation that the named employee was rude to the subject, when he called 911 to report a traffic accident. The employee also made belittling comments to subject when he could not answer specific questions before disconnecting the call. Finding—SUSTAINED.
It is alleged that the named employee refused to transfer a 911 call to another police agency when requested by the subject. It is alleged that the employee failed to notify a supervisor that the caller had requested to speak to a supervisor.	<p>The named employee had dealt with the subject previously and was familiar with his situation. The employee followed acceptable protocol for a non-emergency event by giving the other police agency's phone number to the subject. Finding Professionalism—Exercise of Discretion—EXONERATED.</p> <p>The same subject was not satisfied with the employee's response and requested to speak to a supervisor. The employee advised the subject that a supervisor would return his phone call, but the evidence shows that the employee did not ask the subject for his name or phone number and no notification was made to a supervisor. The subject contacted a supervisor by making a second call to 911. Finding Professionalism—Exercise of Discretion —SUSTAINED.</p>

CONDUCT UNBECOMING AN OFFICER

Synopsis	Action Taken
It was alleged that the complainants were unlawfully detained and removed from a Downtown protest.	The named employees contacted the subjects after receiving reports that they were armed with concealed weapons. The subjects were removed from the scene and detained at a precinct while permits for concealed weapons were investigated and confirmed. The subjects were released in under two hours with no charges. Finding—Professionalism—Exercise of Discretion--EXONERATED (1 employee); NOT SUSTAINED (2 employees). Finding Violation of Law—SUPERVISORY INTERVENTION (3

	employees).
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FAILURE TO TAKE APPROPRIATE ACTION

Synopsis	Action Taken
The complainant alleged the named officer failed to take appropriate action during a burglary investigation.	The evidence supports that the complainant was advised of an attempted theft in a parking garage, and that the incident was captured on video. However, the employee did not enter the garage or view the video, and refused to write a report. Finding—SUSTAINED.

IMPROPER SEARCH

Synopsis	Action Taken
The allegation stated that the named employee stopped, arrested, and searched the complainant without probable cause. Further, the employee was alleged to have called the parents of a witness and informed them of the complainant's alleged criminal history.	<p>The investigation determined that it was a close question as to whether the search of the complainant's vehicle was supported by probable cause. Finding Improper Search—SUPERVISORY INTERVENTION.</p> <p>The complainant was subsequently arrested, but based on the evidence seized during the improper search. Finding Improper Arrest—SUPERVISORY INTERVENTION.</p> <p>The employee did contact the family of a witness and admits to telling them that he believed the complainant was involved in criminal behavior. However, he did not disclose any confidential information and was trying to intervene on the witnesses' behalf. Finding Disclosure of Criminal History—SUPERVISORY INTERVENTION.</p>

SAFEGUARDING/MISHANDLING EVIDENCE/PROPERTY

Synopsis	Action Taken
It was alleged that the named employee confiscated drugs and drug paraphernalia and did not place the items into evidence.	<p>The named employee responded to a call for trespass and possible narcotics violation. The named employee took custody of the suspect, trespassed him from the premises, and then released him. The named employee stated that he determined that the drugs were fake, so he swept them to the ground. However, the employee did not test the drugs and violated department policy by not placing the drugs into evidence. Finding—SUSTAINED.</p> <p>In addition, the employee included statements in his trespass admonishment that he had not verified and that lacked factual support. Finding—Honesty in Reports—SUSTAINED.</p>

VIOLATION OF RULES, REGULATIONS, LAWS

Synopsis	Action Taken
It was alleged that the named employee, while off-duty at a restaurant/bar, made threats to another bar patron and made disparaging comments to the manager.	The evidence showed that the named employee, while out with friends, became involved in an altercation. Words were exchanged between the employee and another man, but the evidence did not establish that unprovoked threats were made. Finding—NOT-SUSTAINED.

	The evidence did establish that the employee acted unprofessionally and made disparaging remarks to the manager. Finding—SUSTAINED.
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UNNECESSARY FORCE

Synopsis	Action Taken
The complainant alleged that excessive force was used on the subject during her arrest.	The subject was interfering with officers during a DUI arrest of her companion. After she was told she was being arrested for obstruction, she resisted handcuffing. The named employee attempted to use a takedown to obtain better control, but after he used a leg sweep the subject pulled away, out of his grasp, and fell to the ground, injuring her cheek. Finding—EXONERATED.

Oct 2006 Cases Mediated:

The complainant alleged that the named employee stopped him and cited him for exceeding the posted boat speed limit on Lake Union. The complainant stated that the employee refused to identify himself when asked.

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

“Supervisory Intervention” means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

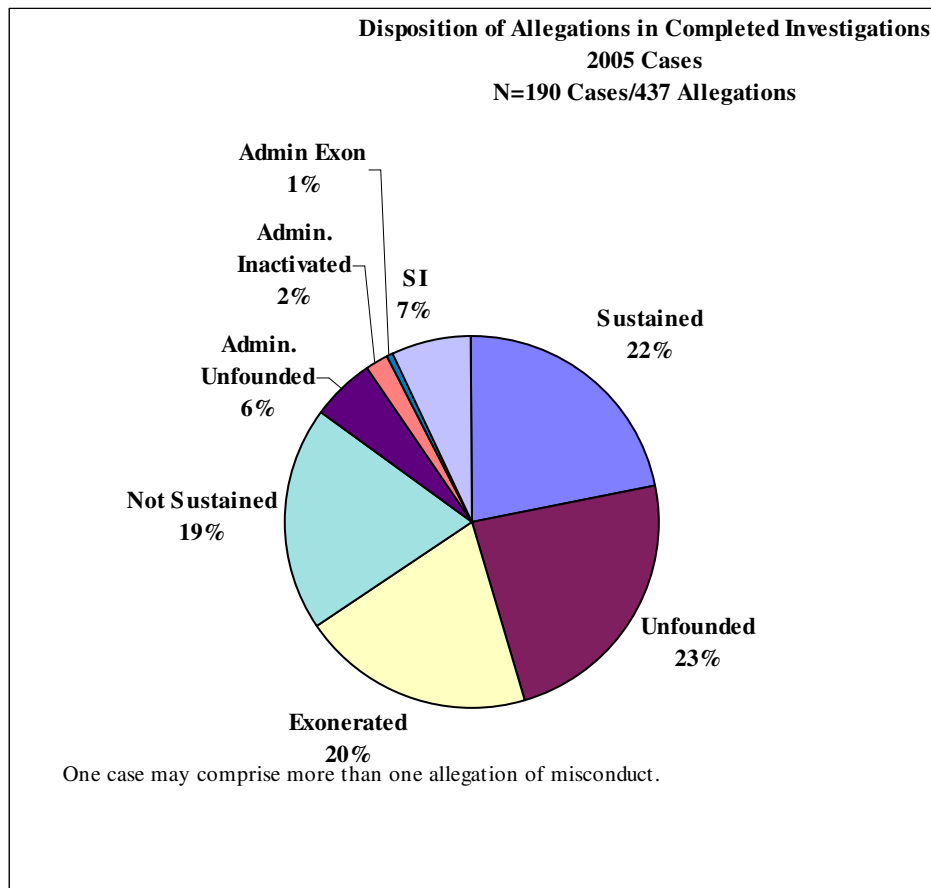
“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date: 2005 Contacts

	December 2005	Jan-Dec 2005
Preliminary Investigation Reports	23	315
Cases Assigned for Supervisory Review	5	77
Cases Assigned for Investigation (IS;LI)	8	210
Cases Closed	40	190*
Commendations	84	498

*includes 2005 cases closed in 2006

note: the below chart has been changed effective the July 2006 report (June data) to reflect cases that have a "Supervisory Intervention" (SI) finding.



2006 Contacts

	Oct 2006	Jan-Dec 2006
Preliminary Investigation Reports	29	256
Cases Assigned for Supervisory Review	2	73
Cases Assigned for Investigation (IS;LI)	12	155
Commendations	27	366